

## **PART 16**

### **Environmental Performance Standards**

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#### **SECTION 1601. SCOPE AND APPLICATION**

Zoning Ordinances are concerned with the impacts of an individual's property use and seek to ensure that people use their property in a manner that does not unreasonably interfere with other persons' use of their property. The regulations contained in this Part shall be applicable to all land uses established in all zoning districts of the Township. Subjective performance standards shall apply. Township police officers and zoning and code enforcement officials, under local and state laws, are empowered to determine those avenues of prosecution.

#### **SECTION 1602. NOISE**

- A.** Excessive noise shall be required to be muffled so as not to be objectionable to surrounding property owners due to intermittence, beat frequency, shrillness, or volume.
- B.** Requirements of this Section do not apply to:
  - 1. Construction activities conducted between 7:00 a.m. and 6:00 p.m., provided that the construction activities do not occur on Sundays, and state declared holidays.
  - 2. Sound generating equipment or apparatus used for public safety or to warn of an emergency.
  - 3. Noise from use-related refuse collection and loading/unloading operations when conducted during normal business hours of 7:00 a.m. to 6:00 p.m., excluding Sundays and state approved holidays.
  - 4. Noise produced by sources not under the control of the property owner.
  - 5. Lawn maintenance and home repair, when conducted between sunrise and sunset, as a normal function of any authorized use.
  - 6. Agricultural operations protected from nuisance suits by Act No. 1982-133.
  - 7. Activities of a temporary duration, permitted by law and for which a license or permit has been granted, including but not limited to parades and fireworks displays.

8. Scheduled school band activities.

C. Prohibited – Dynamiting, or blasting, unless approved by the Township after a public hearing.

#### **SECTION 1603. VIBRATION**

No operation or activity shall, at any time, cause ground-transmitted vibrations that are detrimental to the public health, safety, comfort, or welfare. Vibration resulting from temporary construction activity that occurs between 7:00 a.m. and 6:00 p.m. shall be exempt from the requirements of this Section.

#### **SECTION 1604. SMOKE AND PARTICULATE MATTER**

The emission of smoke or particulate matter in such manner or quantity as to endanger or to be detrimental to the public health, safety, comfort, or welfare, is not permitted.

#### **SECTION 1605. ODOR**

For purposes of this Section, the “odor threshold” is defined as the minimum concentration in the air of a gas, vapor, or particulate matter that can be detected by the olfactory systems of a panel of healthy observers. No use in any district, except where fertilizer is used as part of a permitted agricultural use, may generate an odor, which is objectionable, or noxious that reaches beyond the property line of the enterprise generating the odor.

#### **SECTION 1606. GLARE AND HEAT**

All on-site lighting of buildings, lawns, and parking areas shall be designed so as not to shine or cause glare in excess of one-half (0.5) footcandle at any point onto adjacent property, or onto any public street or vehicle thereon. No direct glare, whether from floodlights or high temperature processes, shall be visible from adjoining public streets or adjacent lots when viewed by a person standing on ground level. Any operation producing intense glare or heat shall be conducted within a completely enclosed building in such a manner so as not to create a public nuisance or hazard.

#### **SECTION 1607. ELECTRICAL INTERFERENCE**

In all districts, no use, activity, or process shall be conducted which produces electric and/or magnetic fields which adversely affect public health, safety, and welfare, including, but not limited to, interference with normal radio, telephone, or television reception from off the premises where the activity is conducted.

#### **SECTION 1608. LIQUID AND SOLID WASTE DISPOSAL**

There shall be no discharge at any point, into any public or private sewerage system, or stream, or into the ground, of any materials in such a way or of such a nature or temperature as can contaminate or otherwise cause the emission of hazardous materials except in accordance with the standards of the Pennsylvania Department of Environmental Protection.

#### **SECTION 1609. FIRE AND EXPLOSIVE HAZARDS**

A. Incombustible to Moderate Burning Materials

The storage, utilization, or manufacture of materials or products ranging from incombustible to moderate burning, as determined for liquids by a closed cup flash point of not less than 187 degrees Fahrenheit, is permitted subject to compliance with all other applicable performance standards.

**B. Free Burning to Intense Burning Materials**

The storage, utilization, or manufacture of materials or products ranging from free or active burning to intense burning, as determined for liquids by a closed cup flash point of less than 187 degrees Fahrenheit but not less than 105 degrees Fahrenheit, is permitted subject to compliance with all other applicable performance standards and provided the following conditions are met:

1. Said materials or products shall be stored, utilized, or produced within completely enclosed buildings or structures having incombustible exterior walls; and
2. All such buildings or structures shall be set back at least forty (40) feet from lot lines, or in lieu thereof, all such buildings or structures shall be protected throughout by an automatic sprinkler system complying with installation standards prescribed by the American Insurance Association; or, if the materials, goods, or products are liquids, the protection thereof shall be in conformity with standards prescribed by the American Insurance Association.

**C. Flammable and Explosive Materials**

The utilization in manufacturing processes of materials which produce flammable or explosive vapors or gases, determined for liquids by a closed cup flash point of less than 105 degrees Fahrenheit, shall be permitted provided:

1. that the final manufactured product does not itself have a closed cup flash point of less than 187 degrees Fahrenheit;
2. that the use and storage of such materials shall be in conformity with standards prescribed by the American Insurance Association and the requirements of any other ordinances;
3. that the storage of more than 50,000 gallons of materials or products having a closed cup flash point of less than 105 degrees Fahrenheit (exclusive of storage of finished products in original sealed containers) is prohibited;
4. that the storage of more than 100,000 gallons of materials or products having a closed cup flash point of less than 180 degrees Fahrenheit (exclusive of storage of finished products in original sealed containers) is prohibited.

**SECTION 1610. RADIATION HAZARDS**

**Storing of radioactive material is prohibited.**

All operations using radioactive materials, whether or not licensed by the Atomic Energy Commission, shall comply with the applicable regulations, as adopted and thereafter amended by the Pennsylvania State Department of Health, plus all regulations of any other local, state, or federal regulatory agency.

**SECTION 1611. LOADING AND UNLOADING OPERATIONS, AND REFUSE COLLECTION**

Where the property lines of a parcel on which loading operations or refuse collection is conducted are located within 300 feet of a residential dwelling, truck loading or unloading operations, as well as refuse collection, shall not be conducted between the hours of 6 p.m. and 7:00 a.m., except where conducted entirely within an enclosed structure.

## **SECTION 1612. OUTDOOR STORAGE OR DISPLAY**

### **A. Outdoor Storage Prohibited**

#### **1. Permanent Storage**

Outdoor storage of any type shall be prohibited unless such storage is a part of the normal operations conducted on the premises, as, for example, in the case of a lumberyard. All service yards or storage yards for commercial and industrial establishments shall be screened by a solid wood or masonry fence, or a continuous evergreen screen, to a height of not less than six (6) feet but not more than eight (8) feet in a manner in which the service area or storage area is completely screened from view from any road right-of-way or any residential use or district. Screening shall be equally effective at all times of the year. No outdoor storage of any type shall, at any time, be located within any required setback area, or exceed the height of the screening required by this subsection.

#### **2. Temporary Storage**

Included in the above prohibition is the storage of tractor trailers or trucks which supply, service, or are operated by any commercial or industrial establishment, except in cases of emergency where approved by the Zoning Officer for a period not to exceed thirty (30) days. Any article or material stored temporarily outside an enclosed building as an incidental part of the primary operation shall be screened according to the screening requirements for permanent storage, above.

### **B. Deemed Applicability**

Any movable structure, trailer, automobile, truck, any parts of these items, or any other items of similar nature, allowed to remain on the premises a longer time than that required to load, unload, or otherwise discharge normal functions, shall be considered to be subject to all regulations set forth in this Section.

## **SECTION 1613. DEPOSITS ON STREETS**

It shall be unlawful for any person, firm, organization, contractor, developer, or property owner, including agents, employees, independent contractors, or any other entity to deposit, place, direct, or otherwise cause to be placed upon any street, road, highway, lane, or alley within the Township any liquid or particulate matter, including, but not limited to snow, ice, refuse, mud, debris, dirt, or grass. Water is not restricted, provided that it does not run across the street, pool along the street, erode the street or berm, build up on or in a street, or in any way create a danger to vehicular traffic or pedestrians. This section shall apply not only in connection with new construction or development activity, but as it relates to any deposits on any vehicular rights-of-way in the Township at any time.